IN THE HIGH COURT OF BOMBAY AT GOA

APPEAL FROM ORDER NO. 6 OF 2003

1. Shri Vasudev Enu Manderkar,
major aged 50 years,
agriculturist and businessman,

2. Smt. Chandrakala Vassudev Mandrekar,
major, aged 45 years, housewife,

Both residents of H.No. 484,
Oxel, Khairat, Camurlim, Bardez, Goa. ..... Appellants.

V/s.

1. Mr. Teodorio Luis Fernandes,
major, aged about 39 years, service,

2. Mrs. Doris Fernandes, major of age,
Both residents of House No.15,
Shamodi, Dramapur, Salcete, Goa.

3. Mr. Vasant Shabi Naik,
major, aged 54 years, agriculturist
his wife,

4. Smt. Vasanti Vassant Naik, major of age,
Both residents of Khairat,
Vagali, Bardez, Goa ..... Respondents.

Mr. J. P Mulgaonkar, Advocate for the appellants.

Mr. Nand Kishore Dube, Advocate holding for Mr. T. Pereira, Advocate for the respondents No.1 and 2.

CORAM : P.V. KAKADE, J.

DATE : 28TH NOVEMBER, 2006.

ORAL JUDGMENT :

Heard learned Counsel for the appellants and Advocate Mr. Nanda Debey holding for the Advocate for the respondents.

2. This is an appeal against the order passed by the Civil Judge, Senior Division, at Mapusa dismissing the application for temporary injunction filed by the appellants-plaintiffs. The suit involved in this matter is of the year 2000 which is not stayed by this Court while admitting the appeal in this Court. The suit is obviously riped for hearing. Therefore, there would not be any point in proceeding with the appeal on merits when the suit itself could be disposed of expeditiously, so as to adjudicate the dispute on merits.

3. Hence, the trial Court is directed to dispose of the suit as expeditiously as possible and, in any case, within one year from the date of receipt of the writ of this Court. With this direction, the appeal stands disposed of with no order as to costs. Pending the suit, parties shall maintain status quo as on today regarding the suit property.

P. V. KAKADE, J.

ssm.